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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/632,609	08/04/2000	Lawrence W. Yonge III	04838-062001	2611

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EXAMINER

KWOH, JASPER C

ART UNIT

PAPER NUMBER

2663

DATE MAILED: 12/17/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/632,609

Applicant(s)

YONGE III ET AL.

Examiner

Jasper Kwoh

Art Unit

2663

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 02 October 2002.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-44 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-3, 17, 20-24, 38 and 41-44 is/are rejected.
- 7) ☒ Claim(s) 4-16, 18, 19, 25-37, 39 and 40 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Specification

1. The disclosure is objected to because of the following informalities: application numbers such as ones on pages 12-13 should be updates when such information becomes available.

Appropriate correction is required.

2. The lengthy specification has not been checked to the extent necessary to determine the presence of all possible minor errors. Applicant's cooperation is requested in correcting any errors of which applicant may become aware in the specification.

Claim Rejections - 35 USC § 102

3. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

4. Claims 1-3, 20, 22-24, 41, and 43-44 are rejected under 35 U.S.C. 102(b) as being anticipated by Fulthorp et al.

Regarding claim 1 and 22, Fulthorp et al. discloses a method and a program including having a first device (i.e. fig. 1, base station, there are a plurality of base stations) exchange message with a second device (i.e. fig. 1, mobile, there are a plurality of mobiles) over a medium using CSMA to establish a session of contention-free intervals for contention-free traffic between the devices (i.e. col. 7, ll. 62-66 col. 9, ll. 26, 41-44, the mobile and base station exchange information using CSMA to allow polling), and having the first device determine when transmission can occur on the

medium during the contention-free intervals based on the exchanged messages (i.e. col. 9, ll. 19-23, the system schedule the TDMA slots for contention-free transmission).

Regarding claims 2 and 23, Fulthorp et al. discloses the first device is the master and the second device is the slave (i.e. col. 9, ll. 19-45, the system tells the base station to send the poll frame and the mobile responds by sending data in the scheduled slots; therefore, it's a master-slave relationship).

Regarding claims 3 and 24, Fulthorp et al. discloses that the master sends downstream frames and slave sends up stream frames wherein polling by the master in down stream frames and slave responses within upstream frames (i.e. fig. 4, master send poll down stream 600 and the slave responses 604).

Regarding claims 20 and 41, frame control information is heard by others (it is inherent that the poll will be heard by all contending mobile units so they will know who has access to the medium).

Regarding claims 43-44, it is inherent that the plurality of devices represent less than all the devices communicating over the medium (i.e. over the air, other devices such as radios and remote controls also use the airwaves for communications).

Claim Rejections - 35 USC § 103

5. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

6. Claims 17, 21, 38 and 42 are rejected under 35 U.S.C. 103(a) as being unpatentable over Fulthorp et al.

Regarding claims 17 and 38, Fulthorp et al does not specifically disclose that the medium is power line. Official notice is taken that transmitting on power line is old and well known and has the same problems with respect to collision and congestion as radio frequency communication systems. Therefore, it would have been obvious to an ordinary person skilled in the art at the time of the invention to use power line as the medium with the method and program of Fulthorp et al. in order to improve channel utilization in a power line system.

Regarding claims 21 and 42, Fulthorp et al. does not specifically disclose including a channel map. However, official notice is taken that channel map is old and well known. It is inherent that the transmitted information will need to be decoded and demultiplexed. Therefore, it would have been obvious to an ordinary person skilled in the art at the time of the invention to include all information that are required for the destination to be able to retrieve the information such as a channel map with the method and program of Fulthorp et al. in order to understand the transmitted information.

Allowable Subject Matter

7. Claims 4-16, 18-19, 25-37, 39-40 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Response to Arguments

8. Applicant's arguments filed 10/2/02 have been fully considered but they are not persuasive. Applicant asserts that Fulthorp and the present invention are different

because present invention permits any device to transmit with any other device and Fulthorp uses the same master device. However, this limitation is not a limitation in all the claims. In Fulthorp. The first device is a base station which can be any of the plurality of base stations depending on which one the mobile is able to communicate with and set up the protocol as suggested by the reference. Also, any of the mobile can perform the function too so the second device is a mobile which can be any of the mobiles.

9. In response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., device temporarily becomes the master for purposes of established session of contention-free intervals, but not the permanent master) are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

Conclusion

10. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any

Art Unit: 2663

extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jasper Kwoh whose telephone number is (703) 305-0101. The examiner can normally be reached on Monday-Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chau Nguyen can be reached on (703)308-5340. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9314.

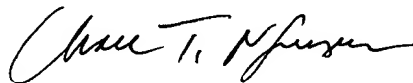
Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703)305-4700.



JK

December 14, 2002

Jasper Kwoh
Examiner
Art Unit 2663



CHAU NGUYEN
SUPERVISORY PATENT EXAMINER
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